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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

MEMORANDUM AND ORDER

07-CV-3616 (ENV) (KAM)

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J & J SPORTS PRODUCTIONS, INC., as Broadcast :  
Licensee of the May 5, 2007, DeLaHoya/Mayweather :  
Program, :

Plaintiff, :

-against- :

ANGELA PERALTA, individually, and as officer, :  
director, shareholder and/or principal of ANGELITA :  
RESTAURANT CORP. d/b/a ANGELITA :  
RESTAURANT, and ANGELITA RESTAURANT :  
CORP. d/b/a ANGELITA RESTAURANT, :

Defendants. :  
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VITALIANO, D.J.

Plaintiff J & J Sports Productions, Inc. filed the above-captioned action against defendant Angela Peralta, individually, and as officer, director, shareholder and/or principal of Angelita Restaurant Corporation d/b/a Angelita Restaurant and corporate defendant Angelita Restaurant (collectively, "defendants") for alleged violations 47 U.S.C. §§ 553, 605(a) and 605(e)(4). After defendants failed to respond, plaintiff filed a motion for a default judgment. This Court, on December 13, 2007, referred this motion to Magistrate Judge Kiyoo A Matsumoto for a Report and Recommendation as well as an inquest on damages and costs. On January 16, 2008, Magistrate Judge Matsumoto issued a Report and Recommendation recommending that damages be awarded to plaintiff in the amount of \$11,540.00, inclusive of basic and enhanced statutory damages of \$10,990.00 and costs of \$550.00. No objections to Magistrate Judge Matsumoto's Report and Recommendation have been timely filed.

In reviewing a Report and Recommendation, this court "may accept, reject, or

modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Moreover, in order to accept a magistrate judge’s Report and Recommendation where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of all the evidence in the record below, the Court finds Magistrate Judge Matsumoto’s Report and Recommendation as to the appropriate amount of damages in this action to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court. Accordingly, for the reasons stated therein, the plaintiff is awarded of \$10,990.00 in statutory damages and \$550.00 in costs.

Plaintiff is directed to submit Judgment in accordance with this opinion. The Clerk is directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
February 12, 2008

s/Eric N. Vitaliano  
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ERIC N. VITALIANO  
United States District Judge